

estimated burden would be 31.5 hours for academic institutions.

The Follow-Up Survey will be sent by mail to the qualifying institutions, of which there is expected to be approximately 42. The completion time per academic institution is expected to average 1.5 hours. Assuming a 90% response rate, the estimated burden would be 56.7 hours for academic institutions, for a total of 88.2 hours. The information burden for any particular institution will be affected by two major factors—the number of buildings recently constructed and costing \$25 million or more, and the quality of the institutions' records systems.

Dated: March 9, 1999.

**Suzanne H. Plimpton,**

*NSF Reports Clearance Officer.*

[FR Doc. 99-6133 Filed 3-11-99; 8:45 am]

BILLING CODE 7555-01-M

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## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the OMB review of information collection and solicitation of public comment.

**SUMMARY:** The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection: 10 CFR Part 36—Licenses and Radiation Safety Requirements for Irradiators

3. How often the collection is required: There is a one-time submittal of information to receive a license. Once a specific license has been issued, there is a 10-year resubmittal of the information for renewal of the license. In addition, recordkeeping must be performed on an on-going basis, and reports of accidents and other abnormal events must be reported on an as-necessary basis.

4. Who will be required or asked to report: Irradiators licensed by NRC or an Agreement State.

5. The number of annual respondents: 32 NRC licensees and 64 Agreement State licensees.

6. The number of hours needed annually to complete the requirement or request: 44,768 (approximately 466 per licensee).

7. An indication of whether Section 3507(d), Pub. L. 104-13 applies: Not applicable.

8. Abstract: 10 CFR Part 36 contains requirements for the issuance of a license authorizing the use of sealed sources containing radioactive materials in irradiators used to irradiate objects or materials for a variety of purposes in research, industry, and other fields. The subparts cover specific requirements for obtaining a license or license exemption; design and performance criteria for irradiators; and radiation safety requirements for operating irradiators, including requirements for operator training, written operating and emergency procedures, personnel monitoring, radiation surveys, inspection, and maintenance. Part 36 also contains the recordkeeping and reporting requirements that are necessary to ensure that the irradiator is being safely operated so that it poses no danger to the health and safety of the general public and the irradiator employees.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (<http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by April 12, 1999. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Erik Godwin, Office of Information and Regulatory Affairs (3150-0135), NEOB-10202, Office of Management and Budget, Washington, DC 20503

Comments can also be submitted by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 5th day of March, 1999.

For the Nuclear Regulatory Commission.

**Brenda Jo Shelton,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 99-6114 Filed 3-11-99; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-3453-MLA-4; ASLBP No. 99-763-05-MLA]

### Atlas Corporation; Designation of Presiding Officer

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and Sections 2.1201 and 2.1207 of the Commission's Regulations, a single member of the Atomic Safety and Licensing Board Panel is hereby designated to rule on petitions for leave to intervene and/or requests for hearing and, if necessary, to serve as the Presiding Officer to conduct an informal adjudicatory hearing in the following proceeding.

Atlas Corporation, Moab, Utah

The hearing, if granted, will be conducted pursuant to 10 C.F.R. Part 2, Subpart L, of the Commission's Regulations, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." This proceeding concerns a petition for leave to intervene submitted by Sarah M. Fields. Ms. Fields is requesting a hearing in response to the issuance of a notice of receipt of a license amendment request of the Atlas Corporation. The proposed amendment would modify License Condition 55 B.(2) by changing the completion date for ground-water corrective actions to meet performance objectives specified in the ground-water corrective action plan. The proposed completion date under the amendment would be July 31, 2006. The notice of the proposed amendment request was published in the **Federal Register** at 64 Fed. Reg. 2919 (Jan. 19, 1999).

The Presiding Officer designated for this proceeding is Administrative Judge Charles Bechhoefer. Pursuant to the provisions of 10 C.F.R. §§ 2.722, 2.1209, Administrative Judge Frederick J. Shon has been appointed to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents and other materials shall be filed with Judge Bechhoefer and Judge Shon in accordance with 10 C.F.R. 2.1203. Their addresses are:

Administrative Judge Charles Bechhoefer, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001

Administrative Judge Frederick J. Shon, Special Assistant, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001

Issued at Rockville, Maryland, this 8th day of March 1999.

**G. Paul Bollwerk, III,**

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 99-6113 Filed 3-11-99; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-443]

**North Atlantic Energy Service Corp. et al. (Seabrook Station, Unit 1); CLI-99-06, Memorandum and Order**

**Commissioners:**

Shirley Ann Jackson, Chairman  
Greta J. Dicus  
Nils J. Diaz  
Edward McGaffigan, Jr.  
Jeffrey S. Merrifield

The Montaup Electric Company ("Montaup") seeks to transfer its 2.9-percent ownership<sup>1</sup> interest in Seabrook Station, Unit 1, to the Little Bay Power Corporation ("Little Bay"). Montaup is one of eleven co-owners of the Seabrook Station, Unit 1. Little Bay is a wholly-owned subsidiary of BayCorp Holdings, Ltd. ("BayCorp"), which is also the holding company for the Great Bay Power Corporation (the holder of a 12.1-percent ownership interest in Seabrook). On Montaup's behalf, Seabrook's licensed operator, the North Atlantic Energy Service Corporation ("NAESCO"), submitted the transfer application to the Commission for approval. The Atomic Energy Act ("AEA") requires Commission approval of transfers of ownership rights. See AEA, § 184, 42 U.S.C. § 2234. Recently-promulgated NRC regulations ("Subpart M") govern hearing requests on transfer applications. See Final Rule, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," 63 Fed. Reg. 66,721 (Dec. 3, 1998), *to be codified at* 10 C.F.R. §§ 2.1300 *et seq.*

Pursuant to Subpart M, the New England Power Company ("NEP")—a

10-percent co-owner of the Seabrook plant—has filed a timely intervention petition opposing the Montaup-to-Little Bay transfer application as well as a petition for summary relief or, in the alternative, a request for hearing. Another co-owner, United Illuminating Company ("United," with a 17.5-percent ownership interest in the plant), has filed an untimely intervention petition. We grant NEP's intervention petition and request for hearing, limit the scope of that hearing, and deny United's late-filed request to intervene.

**Background**

Pursuant to Section 184 of the AEA and section 50.80 of our regulations,<sup>2</sup> Montaup and Little Bay seek approval of the proposed transfer as part of Montaup's efforts to divest all of its electric generating assets pursuant to the restructuring of the electric utility industry in Massachusetts and Rhode Island.<sup>3</sup> Under the transfer arrangement, Little Bay would (among other things) assume full responsibility for Montaup's remaining share of Seabrook's future costs, including obligations for capital investment, operating expenses<sup>4</sup> and any escalation of decommissioning obligations in excess of Montaup's pre-funded contribution (described immediately below).

In their application, Montaup and Little Bay offer the following two forms of assurance that the decommissioning and operating expenses associated with the 2.9-percent ownership interest will be fully paid. First, Montaup offers to provide an \$11.8 million pre-funded decommissioning payment—an amount which, assuming 4-percent inflation plus 1.73-percent rate of real return, would purportedly grow by the year 2026 to equal the amount required to satisfy the decommissioning funding obligation associated with Montaup's 2.9-percent interest in Seabrook. Montaup compares its proposed 1.73-percent rate of real return to the 2-percent rate provided for in the NRC's Final Rule, "Financial Assurance Requirements for Decommissioning Nuclear Power Reactors," 63 F.R. 50,465

<sup>2</sup>This regulation reiterates the requirements of AEA § 184, sets forth the filing requirements for a license transfer application and establishes the following test for approval of such an application: (1) the proposed transferee is qualified to hold the license and (2) the transfer is otherwise consistent with law, regulations and Commission orders.

<sup>3</sup>To achieve this divestiture, Montaup has negotiated comprehensive settlement agreements with the regulatory authorities in both these states—agreements approved by both states and the Federal Energy Regulatory Commission.

<sup>4</sup>For the sake of simplicity, this order will use the phrase "operating expenses" to include both such expenses and capital investment.

(Sept. 22, 1998), *corrected*, 63 F.R. 57,236 (Oct. 27, 1998), *to be codified at* 10 C.F.R. § 50.75(e)(1)(i).

Second, Little Bay submits estimates for the total operating expenses at Seabrook attributable to Montaup's 2.9-percent ownership share of Seabrook for the first five years of Little Bay's ownership and the sources of funds to cover those costs. Little Bay also proffers favorable revenue predictions for the future, based on the assumptions that Seabrook will operate until its current license expires in 2026 and that market revenues through the year 2026 should be sufficient to cover Little Bay's share of the plant's decommissioning expenses and operating expenses, even if the estimates for those costs are later revised upward. As a further indication of the adequacy of Little Bay's financial assurances, the application points out that Little Bay's take-or-pay sales contract with Great Bay requires the latter to pay for all of Little Bay's Seabrook-related costs, whether or not Great Bay succeeds in reselling the electricity it buys from Little Bay.

Under the license transfer, NAESCO would remain the managing agent for the facility's eleven joint owners and would continue to have exclusive responsibility for the management, operation and maintenance of the Seabrook Station. The license would be amended only for administrative purposes to reflect the transfer of Montaup's ownership interest to Little Bay.

The Commission, in its December 14, 1998, **Federal Register** notice of Little Bay's and Montaup's application (63 Fed. Reg. 68,801), indicated that the proposed transfer would involve no changes in the rights, obligations, or interests of the other ten co-owners of the Seabrook Station, nor would it result in any physical changes to the plant or the manner in which it will operate.

**Intervention Petitions**

Responding to the Commission's December 14th Notice, NEP and United filed petitions to intervene pursuant to the Commission's Rules of Practice set forth in Subpart M.<sup>5</sup> Petitioners are concerned that Little Bay cannot

<sup>5</sup>In our December 14th **Federal Register** Notice, we also indicated that, as an alternative to requests for hearing and petitions to intervene, persons were permitted to submit written comments to the Commission by January 13, 1999, regarding the license transfer application. The Commission has received one such comment, from co-owner Massachusetts Municipal Wholesale Electric Company, which raises arguments similar to those of NEP and United. We have referred this comment to the staff for its consideration. As we indicated in the Notice, the comment does not constitute a part of the decisional record.

<sup>1</sup>All ownership percentages specified in this order are approximate.